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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,852	12/08/2000	Jakob Hjorth Christensen	0459-0515P	8819
2292	7590	03/23/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			TRAN, ELLEN C	
			ART UNIT	PAPER NUMBER
			2134	

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/731,852

Applicant(s)

CHRISTENSEN ET AL.

Examiner

Ellen C Tran

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,7-11,15,16,20-25,39-43 and 86-88 is/are pending in the application.
- 4a) Of the above claim(s) 86-88 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7-11,15,16,20-25 and 39-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>19 July 2001</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communication: amendment filed 9 December 2004 with recognition of an original filing date of 8 December 2000 claiming the benefit of continuing date of 20 July 2000.
2. Applicant's election with traverse, Group I (Claims 1, 3-5, 7-11, 15, 16, 20-25, 39-43 and 86-88). The traversal is on the grounds that it should be no undue burden on the Examiner to consider all claims in the single application. In addition Applicant argues that the Examiner has failed to shown claims are independent and distinct.

This is not found persuasive:

The burden is due to the separate searches required because of the different classification indicated in the groupings.

Second the subcombinations are distinct from each other if they are shown to be separately usable. The layout of the independent claims themselves shows how the groupings are distinct from one another, because the limitation can either be in combination or independent on their own.

In the instant case, invention (I) has separate utility such as encrypted data and key exchange. The independent claims in group I are: 1, 23, 24, 25, and 39.

Invention (II) has separate utility such as a computer system utilized to exchange data wherein a computer program is concurrently running while data is being exchanged. The independent claims of group II are: 26, 36, 37, and 38.

Invention (III) has separately utility such as transferring method that identifies device type. The independent claims in group III are: 47, 55, 56, and 57.

Invention (IV) has separate utility such as driver type, invention (V) has separate utility such as decrypting hardware. The independent claims in group IV are: 58, 70, 71, and 72.

Invention VI has a separate utility such as a data distribution method with a plurality of distributors with online payment. . The independent claims in group V are: 73, 80, 81, 82, and 83.

The requirement is still deemed proper and is therefore made FINAL.

3. Claims 86-88 withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected group (claim 83), there being no allowable generic or linking claim.

4. Claims 1, 3-5, 7-11, 15, 16, 20-25, and 39-43 are currently pending in this application. Claims 1, 23, 24, 25, and 39 are independent claims.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language

6. **Claims 1, 3-5, 7-11, 15, 16, 20-25, and 39-43**, are rejected under 35 U.S.C. 102(e) as being anticipated by Marconcini et al. U.S. Patent No. 6,834,110 (hereinafter ‘110).

As to independent claim 1, “A method of providing electronic data from a first computer to a second computer, the method comprising the steps of:” is taught in ‘110 col. 11, lines 38-50;

“1: at least partially encrypting the data with an encryption key (K.sub.g) in the first computer, said encryption key (K.sub.g) having a corresponding decryption key (K.sub.d), 2: communicating the at least partially encrypted data from the first computer to the second computer” is shown in ‘110 col. 5, lines 62 through col. 6, line 8;

“3: the second computer requesting the decryption key (K.sub.d) from the first computer, 4: the first computer providing the decryption key (K.sub.d) to the second computer” is disclosed in ‘110 col. 13, lines 16-64;

“5: the second computer decrypting the at least partially encrypted data using the decryption key (K.sub.d)” and “7: outputting the data to an output device” is taught in ‘110 col. 21 line 60 through col. 22, line 3;

“6: rendering the decryption key (K.sub.d) unfit for use” is shown in ‘101 col. 10, lines 36-53.

As to dependent claim 3, **“wherein step 6 comprises deleting the decryption key (K.sub.d) from the second computer after step 5 has been performed”** is disclosed in ‘110 col. 21, line 60 through col. 22, line 3.

As to dependent claim 4, **“wherein step 6 comprises storing the decryption key (K.sub.d) in a volatile memory of the second computer only”** is taught in ‘110 col. 87, lines 27-39.

As to dependent claim 5, **“wherein step 4 comprises the steps of determining whether the second computer fulfils one or more predetermined criteria selected from a group of criteria, providing the decryption key (K.sub.d) only if the second computer fulfils one or more of said predetermined criteria”** is shown in ‘110 col. 13, lines 16-64.

As to dependent claim 7, “wherein step 1 is performed using a random secret encryption key” is disclosed in ‘110 col. 18, line 14-28.

As to dependent claim 8, “wherein step 4 is performed using an encrypted session between the first computer and the second computer” is taught in ‘110 col. 25, lines 4-65.

As to dependent claim 9, “wherein step 7 is performed by dividing the at least partially encrypted data into a number of subparts, each subpart in turn being output to an output device” is shown in ‘110 col. 5, line 50 through col. 6, line 8.

As to dependent claim 10, “wherein step 7 is performed at least substantially simultaneously with step 5, in such a way that each subpart of the data is in turn decrypted and output to the output device” is disclosed in col. 9, lines 30-67.

As to dependent claim 11, “wherein step 7 is performed by streaming the data to the output device” is taught in ‘110 col. 5, line 50 through col. 6, line 8.

As to dependent claim 15, “further comprising the steps of a: the second computer re-requesting the decryption key (K.sub.d), b: the first computer providing the decryption key (K.sub.d) to the second computer, c: the second computer decrypting the at least partially encrypted data, d: rendering the decryption key (K.sub.d) unfit for use, e: outputting the data to an output device” is shown in ‘110 col. 49, line 44 through col. 50, line 13.

As to dependent claim 16, “wherein step d comprises deleting the decryption key (K.sub.d) from the second computer after the data has been output to the output device” is disclosed in ‘110 col. 49, line 44 through col. 50, line 13.

As to dependent claim 20, “comprising the step of providing electronic data from a server device to a client device” is taught in ‘110 col. 5, line 60 through col. 6, line 15.

As to independent claim 21, “further comprising the steps of: the first computer requesting additional information from the second computer, the second computer providing said additional information, the first computer using said additional information for determining whether to provide the decryption key (K.sub.d) or not” is shown in ‘110 col. 13, line 45 through col. 14, line 25.

As to dependent claim 22, “wherein the step of the second computer providing said additional information comprises the step of the user providing at least some of said additional information” is disclosed in ‘110 col. 25, lines 4-65.

As to independent claim 23, this claim is directed to a computer program system of the method of claim 1; therefore it is rejected along similar rationale.

As to independent claim 24, this claim is directed to a computer readable data carrier of the method of claim 1; therefore it is rejected along similar rationale

As to independent claim 25, this claim is directed to a computer system of the method of claim 1; therefore it is rejected along similar rationale.

As to independent claim 39, this claim is directed to a computer system of the method of claim 1; therefore it is rejected along similar rationale.

As to dependent claim 40 and 41, these claims contain substantially similar subject matter as claims 3 and 20; therefore they are rejected along similar rationale.

As to dependent claim 42, “wherein the first communication means comprises a global computer network” is taught in ‘110 col. 25, lines 4-65.

As to dependent claim 43, “wherein the second communication means comprises a global computer network” is shown in ‘110 col. 25, lines 4-65.

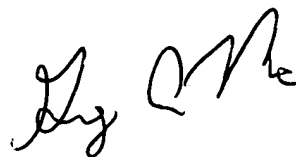
Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ellen C Tran whose telephone number is (571) 272-3842. The examiner can normally be reached from 6:30 am to 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Gregory A Morse can be reached on (571) 272-3838. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ellen Tran
Patent Examiner
Technology Center 2134
15 March 2005



GREGORY MORSE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100